

UNITED STATES DISTRICT COURT
OFFICE OF THE CLERK
WESTERN DISTRICT OF PENNSYLVANIA
P. O. BOX 1805
PITTSBURGH, PA 15230

SOLICITOR

JAN 23 1998

U.S. PATENT & TRADEMARK OFFICE

JAMES A. DRACH
CLERK
412-644-3528

IN REPLYING, GIVE NUMBER
OF CASE AND NAMES OF PARTIES

January 20, 1998

Commissioner of Patents
and Trademarks
Washington, DC 20231

Re: Parsec Sight/Sound, Inc. V. N2K, Inc.
Civil Action No. 98-118

Dear Commissioner:

In compliance with 35 § 290 and/or 15 U.S.C. §1116 enclosed is a copy of the docket entries and complaint which was filed in the United States District Court for the Western District of Pennsylvania.

Sincerely,

James A. Drach
CLERK OF COURT

By Eileen M. Chettle
Eileen M. Chettle
Deputy Clerk

Enclosures

5,191,573
5,675,734

U.S. District Court
Western District of Pennsylvania (Pittsburgh)

CIVIL DOCKET FOR CASE #: 98-CV-118

PARSEC SIGHT/SOUND v. N2K, INC.
Assigned to: Judge Donald J. Lee
Demand: \$0,000
Lead Docket: None
Dkt# in other court: None

Filed: 01/16/98
Jury demand: Plaintiff
Nature of Suit: 830
Jurisdiction: Federal Question

Cause: 28:1338 Patent Infringement

PARSEC SIGHT/SOUND, INC., a
Pennsylvania corporation
plaintiff

Richard F. Rinaldo
456-2876
[COR LD NTC]
Hugh E. McGough
[COR LD NTC]
Meyer, Unkovic & Scott
1300 Oliver Building
Pittsburgh, PA 15222
(412) 456-2800

v.

N2K, INC., a Delaware
corporation
defendant

Proceedings include all events.

2:98cv118 PARSEC SIGHT/SOUND v. N2K, INC.

1/16/98 1 COMPLAINT with summons issued; jury demand Filing Fee \$
150.00 Receipt # 3058 (emc) [Entry date 01/20/98]

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CLERK
U.S. DISTRICT COURT

1998 JAN 16 3:55

Civil Action No.

JURY TRIAL DEMAND

COMPLAINT

Parties

2. Defendant, N2K, Inc. ("N2K"), is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business at 55 Broad Street, 10th

Floor, New York, NY 10004, and at all times material hereto has been registered to do business and has conducted business in the Commonwealth of Pennsylvania.

Jurisdiction

3. This Court has jurisdiction over the subject matter of this action under 28 U.S.C. §§ 1331 and 1338(a).

Venue

4. Venue is proper in this Court under the provisions of 28 U.S.C. § 1391(c) and 28 U.S.C. § 1400(b).

General Facts

5. Arthur R. Hair ("Hair") is the inventor to whom the United States Patent Office issued United States Patent No. 5,191,573 on March 2, 1993 (hereinafter the "'573 Patent"). A true and correct copy of the '573 Patent is attached hereto as Exhibit "A".

6. Parsec is the assignee of the rights, title and interest in the '573 Patent issued to Hair.

7. Hair is the inventor and Parsec is the assignee to whom the United States Patent Office issued United States Patent No. 5,675,734 on October 7, 1997 (hereinafter the "'734 Patent").

A true and correct copy of the '734 Patent is attached hereto as Exhibit "B".

8. The '734 Patent is a continuation of the '573 Patent.

COUNT I

Patent Infringement

9. Paragraphs 1-8, inclusive, above, are hereby incorporated herein by reference.

10. N2K has been making and continues to make and/or has sold and continues to sell and/or offer for sale and/or use and/or has induced and/or continues to induce others to sell and/or use and/or contribute to the making, using or selling of one or more digital audio signals for or with processes within the scope of the claims of the '573 Patent and of the '734 Patent in this judicial district and elsewhere in the United States.

11. N2K has notice of the '573 Patent and of the '734 Patent, pursuant to 35 U.S.C. § 287, prior to the commencement of this civil action.

12. The unauthorized making, use, or sale of such a digital audio signal by N2K infringes one or more claims of the '573 patent and of the '734 patent.

13. N2K is a direct and/or contributory infringer of the '573 Patent and of the '734 Patent and/or has induced infringement of the '573 Patent and the '734 Patent by others in violation of 35 U.S.C. § 271.

14. Unless enjoined by this Court, N2K will continue to infringe the '573 Patent and the '734 Patent in the future.

COUNT TWO

Willful Patent Infringement

15. Paragraphs 1-14, inclusive, above, are hereby incorporated herein by reference.

16. N2K has infringed and is infringing the '573 Patent and the '734 Patent with full knowledge of the '573 Patent and the '734 Patent, and the infringement has been willful and deliberate and continues to be willful and deliberate. This case is exceptional under 35 U.S.C. § 285.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, Parsec Sight/Sound, Inc., demands judgment in its favor and against Defendant, N2K, Inc., as follows:

A. That this Court adjudge and decree that United States Patent No. 5,191,573 and United States Patent No. 5,675,734 are valid and enforceable against Defendant, N2K, Inc.;

B. That this Court adjudge and decree that N2K, Inc. has infringed the '573 Patent and the '734 Patent;

C. That this Court preliminarily and permanently enjoin N2K, Inc., its officers, directors, agents, employees, servants, attorneys, successors, assigns and all others controlling, controlled by, affiliated with or in privity with N2K, Inc. from committing further acts of infringement of the '573 and '734 patents, pursuant to 35 U.S.C. § 283;

D. That this Court direct N2K, Inc. to file with this Court and serve on counsel for Parsec, within thirty (30) days of the entry of said injunction, a report in writing under oath setting forth in detail the manner and form in which N2K has complied with the injunction.

E. That this Court order an accounting for damages sufficient to compensate Parsec for the past infringement of the '573 Patent and the '734 Patent by N2K, Inc., pursuant to 35 U.S.C. § 284, together with costs and prejudgment interest for the amount of damages determined;

F. That this Court increase such damages up to three (3) times the amount found or assessed in view of the willful and

deliberate character of such infringement of said patents by N2K, Inc., pursuant to 35 U.S.C. § 284;

G. That this Court find this case "exceptional," thus entitling Parsec to an award of reasonable attorneys' fees, pursuant to 35 U.S.C. § 285; and

H. That this Court award Parsec such other and further relief as the Court may deem just and proper.

PLAINTIFF DEMANDS A JURY TRIAL

MEYER, UNKOVIC & SCOTT LLP

By: 

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ATTORNEYS FOR PLAINTIFF PARSEC
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